



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,902	03/09/2000	Steven Blumenau	07072-922001	2829

26161 7590 04/21/2004

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

DATE MAILED: 04/21/2004

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/521,902

Applicant(s)

BLUMENAU ET AL.

Examiner

Charles L. Rones

Art Unit

2175

-- The MAILING DATE of this c mmunication appears n the cover sheet with the c rresp ndenc address --

Peri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

The request for continued examination timely filed on February 23, 2004 has been entered

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz et al. U.S. Patent No. 5,852,715 ('Raz').

Raz discloses:

Art Unit: 2175

As to claim 1,

at least one storage device partitioned into a plurality of volumes for storing data;

See 5:1-20;

a first database including first configuration data for identifying which of a plurality of hosts coupled to the data storage have authorized access to each of the plurality of volumes of the at least one storage device; See 7:21-60;

a backup system having at least one backup storage device for storing at least a portion of data stored on the storage device; See 6:1-40; and

a second database including second configuration data for identifying which of the plurality of hosts coupled to the data storage have access to the at least one backup storage device; See 5:25-55.

As to claim 2,

wherein the at least one storage device, the first database, and the second database are part of an enterprise data storage system; See 5:25-55.

As to claim 3,

a first adapter, responsive to the first configuration data, which selectively forwards to the at least one storage device, requests from the plurality of hosts, for access to the plurality of volumes; See 4:12-30.

Art Unit: 2175

As to claim 4,

comprising a second adapter, responsive to the second configurations data, which selectively forwards to the backup system, requests from the plurality of hosts, for access to the at least one backup storage device; See 5:9-27.

As to claim 5,

wherein the first configuration data is stored in a configuration table including a plurality of records, each of the records having an identifier and information indicating which of the volumes are available to a host associated with the corresponding identifier, and wherein the request includes a source identifier identifying the host that initiated the request and an address to one of the plurality of volumes in the storage system; See 4:49-65.

As to claim 6,

wherein the hosts are coupled to the data storage by a Fibre Channel network, a request for access by one of the plurality of hosts being in a Fibre Channel protocol; See 4:12-65.

As to claim 7,

wherein the at least one backup storage device operates under a SCSI protocol; See 4:30-40; 7:12-17.

Art Unit: 2175

As to claim 8,

wherein the at least one backup storage device is a tape storage drive; See 6:1-13; 9:43-56.

As to claim 9,

receiving, by the data storage, a request from at least one of the hosts for access to data stored on the backup system; See 7:21-67; 9:35-42; and

determining, in response to second configuration data from a second database, that the host requesting access is authorized to access the portion of data stored on the backup system; See 7:21-67; 9:35-42.

As to claim 10,

wherein the backup system includes a plurality of backup storage devices and the configuration data is stored in a configuration table including a plurality of records, each of the records having an identifier and information indicating which of the backup storage devices are available to a host associated with the corresponding identifier, and wherein the request includes a source identifier identifying the host that initiated the request and an address to one of the backup storage devices; See 4:49-65; and

determining whether to service the request responsive to a portion of the configuration data associated with the source identifier and the address of the one of the backup storage devices; See 4:49-65.

Art Unit: 2175

As to claim 11,

wherein the hosts, data storage and backup system are coupled by a Fibre Channel network, the method further including forwarding the request using a Fibre Channel protocol for access to a portion of data stored on the backup system over the Fibre Channel network; See 4:12-65.

As to claim 12,

wherein the backup system operates under a SCSI protocol; See 4:30-40; 7:12-17.

As to claim 13,

wherein the backup system is tape storage unit and the backup storage devices are tape libraries; See 6:1-12; 9:43-56.

Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz et al. U.S. Patent No. 5,860,137 ('Raz').

Raz discloses:

Art Unit: 2175

As to claim 1,

at least one storage device partitioned into a plurality of volumes for storing data;

See 1:39-50; 4:50-58;

a first database including first configuration data for identifying which of a plurality of hosts coupled to the data storage have authorized access to each of the plurality of volumes of the at least one storage device; See 1:39-50; 4:50-58;

a backup system having at least one backup storage device for storing at least a portion of data stored on the storage device; See 4:25-35; and

a second database including second configuration data for identifying which of the plurality of hosts coupled to the data storage have access to the at least one backup storage device; See 4:36-59.

As to claim 2,

wherein the at least one storage device, the first database, and the second database are part of an enterprise data storage system; See 1:38-67.

As to claim 3,

a first adapter, responsive to the first configuration data, which selectively forwards to the at least one storage device, requests from the plurality of hosts, for access to the plurality of volumes; See 1:38-67.

Art Unit: 2175

As to claim 4,

comprising a second adapter, responsive to the second configurations data, which selectively forwards to the backup system, requests from the plurality of hosts, for access to the at least one backup storage device; See 1:38-67; 4:3-59.

As to claim 9,

receiving, by the data storage, a request from at least one of the hosts for access to data stored on the backup system; See Abstract; 1:38-65; 4:25-58; and

determining, in response to second configuration data from a second database, that the host requesting access is authorized to access the portion of data stored on the backup system; See Abstract; 1:38-65; 4:25-58.

Response to Arguments

Applicant's arguments filed February 23, 2004 have been fully considered but they are not persuasive.

Firstly, Applicant argues that Raz I does not disclose a first and second databases having a first and second configuration data identifying which hosts have access to a backup storage device and that dependent claims are further patentable for the same reason.

In response, Examiner maintains that Raz I discloses such wherein the configuration database contains configuration information deemed to be on different volumes therefore having different databases of configuration information and provides configuration information about backup devices wherein backup device are accessed through a logical volume like the other storage devices. Further, Applicant argues that Raz I does not disclose configuration data and Examiner maintains that Raz I discloses such as stated above, in addition, Raz I disclose data which is deemed to reasonably and broadly include configuration data both configuration data and second configuration data.

Secondly, Applicant argues that Raz I does not disclose first and second databases that potentially contain different data.

In response, Examiner maintains that Applicant is arguing that which is not claimed. Further Raz I discloses a database and a backup database which at some point in time would not necessarily have an exact of each other since backups are generally run once a day.

Thirdly, Applicant argues that Raz II does not disclose a method for managing access between hosts and a backup system that is part of a data storage including at least one data storage as stated in amended claim 9. Further, argues that Raz II does not disclose wherein a database is used by the host to determine which hosts can access the volumes.

In response, Examiner maintains that Raz II discloses such under similar reasoning as stated above in first response. Further, Examiner maintains that Raz II teaches that volumes are denied or granted access and that the database used to make the determination is a database of access privileges; See 7:54-67.

Lastly, Applicant argues that Raz II does not disclose wherein the backup stores at least a portion of data stored on the primary storage device.

In response, Examiner maintains that Raz II discloses such wherein a backup is deemed to store information from a primary device and at some point will not be in synchronization with the primary since backups are usually run incrementally.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2175

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Charles L. Rones
Primary Examiner
Art Unit 2175

April 17, 2004